



**Equalizing the mentoring learning curve:
What's a new solo attorney to do without a mentor?**

By Matthew T. Christensen

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“Unlike in some disciplines where there is only one right answer, advocacy is an art in which there are many right answers. . . . We can only teach the tools and learn the rules, and then encourage the lawyer to find his or her own voice as an advocate. That means that the young lawyers need to work with and watch lawyers with diverse styles to develop their own style.”¹

With this sentiment, Patricia Lee Refo, then Chair of the ABA Section of Litigation, introduced the Section’s Report of the Task Force on Training the Trial Lawyer.² Responding to the diminishing number of cases that actually go to trial, the Section examined the different ways mid- to large-size firms were addressing training lawyers for trial and recommended several of the alternatives. Every lawyer understands that law schools do not always teach the skills of being an attorney. Only rarely will you receive education about the intricacies of drafting an indemnification clause, or taking a deposition duces tecum. Most of this type of training comes after the diploma is granted, when the newly-minted attorney is provided the opportunity to learn these skills “on the job.”

As Ms. Refo succinctly stated, the best attorneys learn from a myriad of sources. However, unlike larger law firms, where mentoring programs abound, and have been developed over time³, solo and small firms typically do not have any structured mentoring or training programs for new lawyers. This article attempts to address that issue and provide some tools for solo and small-firm attorneys looking to develop effective mentoring relationships.

More Effort Required

New solo and small-firm attorneys must make a more concerted effort to develop the proper mentoring and training relationships that their large-firm classmates will find already in place. These attorneys must closely examine their own needs and actively seek mentoring relationships to meet those needs. As stated by Erin Smith, “You know yourself better than anyone, so it’s up to you to make sure you get the kind of learning and development opportunities you need to become the best you can be. As a [new attorney] you cannot afford to sit back and wait for things to happen. You have to take the initiative, be proactive and make mentoring work for yourself”⁴

Once new attorneys have examined their needs, they should seek out those lawyers who may be willing to establish and maintain a mentoring relationship. One way to do this is to look to bar groups in which experienced attorneys participate. (If the new lawyers haven’t yet joined any bar groups, this would be a good time to start!) Consider previous law school professors – especially adjunct professors who are still practicing in the areas in which they teach. Also, consider attorneys who were on the opposite side of

a case. New attorneys have had a chance to see “other-side” attorneys in action, and can gauge whether that attorney has a skill the potential mentee would like to acquire. Many times, those attorneys can provide effective feedback on the new attorney’s performance.

After identifying a potential mentor, the next step is to seek opportunities to develop the relationship. Helpful ways to accomplish this include: volunteering to work on a committee on which the potential mentor works and attending programs where the potential mentor is a speaker, making an active effort to speak with him or her after the presentation. Ask the potential mentor to lunch to talk about your goals and aspirations and solicit advice for achieving those goals.

Take special note of the reactions of the potential mentor to your comments and questions. If he or she reacts with enthusiasm, or otherwise demonstrates an interest, pursue the mentor relationship further. Ask the potential mentor if he or she would be willing to spend some time to share his experiences and knowledge. Solo or small-firm attorneys must have the courage to go out on a limb and ask for the mentoring relationship to begin or it probably won’t happen. The rewards that are reaped will far outweigh the effort required to create the relationship.

Confidentiality and Conflicts

It is important for new attorneys to remember that, when seeking mentoring relationships outside their firm, they must always be aware of confidentiality and conflicts issues. The most effective way to avoid problems is to avoid discussing specific cases altogether. Focus more on gaining skills and general knowledge from the mentor, rather than learning details of his or her specific past cases or asking advice on how to handle a specific case of your own. If you need that kind of help, say, for example, advice regarding an ethical issue in your case, you will need to form a different kind of relationship with the mentor. (See ABA Formal Opinion 98-411 on Ethical Issues in Lawyer-to-Lawyer Consultation.)

What’s good for the Solo . . .

Mentoring relationships benefit don’t just benefit the mentee. In a good mentoring relationship, mentors will also benefit, including gaining insight into the “new generation” of attorneys. On a broader scope, an effective mentoring relationship can help both lawyers to effectuate the aspiration goals expressed in the Preamble to the Model Rules of Professional Conduct, that “[a]s a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession.”⁵ An effective mentoring relationship will greatly increase the quality of service rendered by solo and small-firm attorneys, thereby benefiting the administration of justice.

Resources on mentoring abound, although at times they are difficult to track down. The first stop should be Ida Abbot’s helpful *The Lawyer’s Guide to Mentoring*.⁶ Then look at Dennis Kennedy’s article “Finding Great Resources about Mentoring on the Internet May Be Even More Difficult Than Finding a Great Mentor on Your Own”⁷, which collects and discusses several Internet resources available on developing and maintaining mentoring relationships. In August, 2004, the ABA Law Practice Management Section devoted an entire issue of *Law Practice Today* to mentoring.⁸ Mr. Kennedy’s article was included in that issue.

No one disputes that new attorneys could benefit from increased mentoring and training opportunities. Solo and small-firm attorneys must be especially proactive in

seeking out and creating these opportunities. The more mentoring opportunities a new attorney can develop, the greater chance that attorney will have to develop her own style of advocacy, which she can then pass on to other new attorneys. Solo and small-firm attorneys should strive to develop the relationships that will allow them to increase the quality of service they provide to their clients.

¹ Patricia Lee Refo, *Training the Next Generation of Lawyers: Perhaps Our Greatest Challenge*, Vol. 29, No. 4 LITIGATION 1, Summer 2003, at 4.

² The Report of the Task Force can be found at <http://www.abanet.org/litigation/taskforces/training/ttlreport.pdf>.

³ For a good summary of a large firm mentoring program, see Vinson & Elkins New Lawyer Mentoring Program Handbook, available at <http://www.vinson-elkins.com/pdf/overview/NewLawyerMentoringHandbook.pdf>.

⁴ Originally quoted in *Mentoring Associates: It's simply good for business*, Vol. 1, Issue 1 LAWPRO MAGAZINE 12, 17 (April 2002), available at <http://www.practicepro.ca/LawPROmag/MentoringAssociates.pdf>.

⁵ MODEL RULES OF PROF'L CONDUCT, Preamble, ¶ 6 (2007).

⁶ IDA O. ABBOT, THE LAWYER'S GUIDE TO MENTORING, National Association for Law Placement (2000).

⁷ Dennis Kennedy, *Finding Great Resources about Mentoring on the Internet May Be Even More Difficult Than Finding a Great Mentor On Your Own*, LAW PRACTICE TODAY, August 2004, available at <http://www.abanet.org/lpm/lpt/articles/slc08041.html>.

⁸ LAW PRACTICE TODAY, August 2004.

Matthew T. Christensen is the ABA Young Lawyers Division liaison to the ABA Center for Professional Responsibility and member of the Center Strategic Development Committee. Matt is a lawyer with Marshall & Stark, PLLC in Meridian, Idaho.